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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,859	11/30/2003	Frank T. Brzozowski		2177

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EXAMINER

HAYES, BRET C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,859

Applicant(s)

BRZOZOWSKI, FRANK T.

Examiner

Bret C Hayes

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. An examination of this application reveals that applicant is not altogether familiar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to because page 6 is a listing of components of the claimed invention and includes no Figure number. To correct this, amend the page to include a Figure number and amend the specification to include a brief description of the drawing sheet.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1 – 19 are objected to because of the following informalities.
5. Claim 1, line 17 (1:17, hereinafter), “the said” before “leader” should be either --the leader-- or --said leader--; 1:20, “on one side ,” should be --on one side,--; 1:21, “the second side” should be --the other side--; 1:32, “the lake bottom” should be --a lake bottom--.
6. Claims 2 – 12, examiner suggests revisiting and revising the claims to eliminate verbosity, such as limitations previously recited. An example of which includes, 2:8, “said c-weight having a central longitudinal groove therein for allowing the c-weight to be fixedly connected to said leader.” This limitation is fully recited in the base claim and the claim should

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avoid repeating the limitation unless a new and different limitation is made in the dependent claim to narrow the scope of the claim. All such unnecessary obfuscation should be avoided.

7. Claim 3, line 8, “said c-weight having...out of the c-weight”, examiner suggests the following: --wherein the (or said) first end has an inclined first slot and the (or said) second end has an inclined second slot to hinder the c-weight from being removed from the leader--.

Examiner notes in the preceding suggestion that the term --the (or said)-- is meant to suggest the use of only one, --the--, or the other, --said--, and the claim must not be revised to include both.

This will apply to all following similar objections.

8. Claim 4, line 5, “gasp” should be --gaps--.

9. Claims 5 – 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Similarly to claim 2, as described above, claim 5 does not narrow the scope of the base claim in that both recited stops are comprised of crimped split shot in claim 1 at lines 7, 8, 11 and 12, respectively. Regarding claims 6 and 7, claim 1, lines 25 and 26, respectively, recite the claimed limitations.

10. Claim 8, line 9, “with a smaller distance from said shank to said eye” than what?

11. Claim 12, line 1, “method of the” should be removed as no method has been recited and it appears that the claim is merely limiting the scope of the elongated leader of claim 1, line 2.

12. Claim 13, line 17, “the said” before “leader” should be either --the leader-- or --said leader--; 13:26, “a hull” should be --wherein the (or said) hull-- and “a hollow” should be --the (or said) hollow--; 13:32, “the lake bottom” should be --a lake bottom--.

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13. Claim 14, line 1, “comprising...therein” should be replaced with --wherein the (or said) leader hook loop is formed by a knot therein and the (or said) leader line loop is formed by a knot therein--.

14. Claims 15 – 19, examiner suggests revisiting and revising the claims to eliminate verbosity, such as limitations previously recited similarly to claims 2 – 12 noted above.

15. Claim 17, line 6, “gasp” should be --gaps--.

16. Claim 18, lines 7 and 10, the phrase “such as” should be replaced with --including--, line 9, insert --any-- before “from”, lines 11 and 12, “by products” should be --byproducts--, lines 12 and 18, “and the like” should be removed entirely, and lines 19 – 21 should be removed and replaced with --wherein the (or said) hollow c-weight hull includes small through-holes to allow passage of the objects, substances or material to attract fish--.

17. Claim 19, line 2, “affiliated with” should be --having--, line 16, “and the like” should be removed entirely, and lines 17 – 19 should be removed or the claim amended to depend upon claim 18 and the lines amended as suggested for lines 19 – 21 of claim 18 above.

18. Appropriate correction is required.

Allowable Subject Matter

19. Claims 1 – 19 would be allowable if amended to overcome the objections raised above.

20. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor fairly teaches the recited limitations of the claimed combination including, but not limited to: an elongated leader, a first stop, a second stop, a c-weight as claimed, a swivel, a snap, and a horizontal unilateral three-prong hook.

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21. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Conclusion

22. This application is in condition for allowance except for the following formal matters:

See the objections to the claims 1 – 19 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time. Also, should Applicant wish to speak to the examiner via a telephonic interview, examiner is amenable to such.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (703) 305 – 7421. The fax number is (703) 872 – 9306.

bh

9/5/04



**TERI P. LUU
SUPERVISORY PRIMARY EXAMINER**